

## REMARKS

The invention relates to a bale lift device that can be used to lift a bale and transport it to another location. The bale lift device includes a back frame, a stabilizing member, and a rotation axis. The back frame has a first end and a second end and is constructed for attachment to a loader arm and to a hydraulic cylinder attached to the loader arm. The stabilizing member includes a plurality of teeth extending from the stabilizing member. The back frame and the stabilizing member attach at the rotation axis and allow the back frame and the stabilizing member to rotate relative to each other. The back frame and the stabilizing member can rotate as a result of operation of a hydraulic cylinder attached to the back frame and the loader arm.

An advantage of the bale lift device according to the invention is that it can avoid the use of a bale lift hydraulic cylinder for operating the bale lift device. Instead, the bale lift device can rely upon the loader hydraulic cylinder provided on a front end loader for operating the bale lift device. This means that additional hydraulic cylinder lines and controls are not needed for operating the bale lift device according to the invention when it is provided on a front end loader.

The invention additionally relates to a front end loader having a bale lift device, and to a method for operating a front end loader having a bale lift device.

### Prior Art-Based Rejections

The outstanding Office Action includes two prior art-based rejections. Claims 1-3, 6, 8, and 10-13 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,106,253 (*Wedin*) and U.S. Patent No. 4,930,974 (*Langenfeld et al.*). Claims 5 and 7 stand rejected under 35 U.S.C. §103(a) over *Weden*, *Langenfeld et al.*, and U.S. Patent No. 5,984,606 (*Meeks*). These rejections are traversed.

The bale lift device according to the claimed invention includes a back frame and a stabilizing member and plurality of teeth wherein the back frame and the stabilizing member are constructed to rotate relative to each other about a rotation axis. As a result of this construction, the bale lift device can be operated by a loader hydraulic cylinder on a front end loader without the need for an additional, dedicated hydraulic cylinder for the bale lift device. It is submitted that this feature of the invention is not disclosed or suggested by *Wedin*, *Langenfeld et al.*, or *Meeks*.

*Wedin* describes a bale carrying attachment for use on a tractor. The bale carrying attachment is operated by a hydraulic cylinder C for moving the carriage 6 along a pivotally mountable bale impaling spear 2. See *Wedin* at Figure 1 and column 3, line 62 through column 4, line 32. *Wedin* provides a hydraulic cylinder as part of the disclosed bale carrying attachment that is to be used to operate the disclosed bale carrying attachment. The presently claimed invention avoids the requirement of a hydraulic cylinder as part of the claimed bale lift device.

*Langenfeld et al.* describe a bale lift device that can be used on a front end loader. It is submitted that the bale lift device described by *Langenfeld et al.* does not include a back frame and a plurality of teeth that are constructed to rotate about a rotation axis as a result of operating the loader using hydraulic cylinder provided as part of the front end loader.

*Meeks* describes a hay loader having a fixed frame mounted on a vehicle. A bale can be pushed off the hay loader by operation of the pair of hydraulic assemblies 36. See *Meeks* at Figure 2 and column 4, lines 40-52. Clearly, the pair of hydraulic assemblies 36 is provided as part of the hay loader described by *Meeks*, and the hay loader described by *Meeks* is not operated by loader hydraulic cylinders provided on a front end loader.

In view of the above comments, *Wedin*, *Langenfeld et al.*, and *Meeks* fail to disclose or suggest a bale lift device having a back frame and a stabilizing member and plurality of teeth where the back frame and the stabilizing member are constructed to rotate about a rotation axis as a result of operation of a loader hydraulic cylinder attached to the back frame. In view of the above comments, withdrawal of the prior art-based rejections is requested.

#### Rejection Under 35 U.S.C. §112

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph. In addition, claims 9 and 14-18 stand rejected under 35 U.S.C. §112, second paragraph. In view of the above amendment canceling 4, 9, and 14-18, it is submitted that these rejections have been rendered moot, and withdrawal of these rejections is requested.

#### Obviousness-Type Double Patenting

Claims 1-18 stand rejected under the doctrine of obviousness-type double patenting over claims 1-15 of U.S. Patent No. 6,663,337. In view of the attached Terminal Disclaimer

document, it is submitted that this rejection has been rendered moot, and withdrawal of this rejection is requested.

It is pointed out that the attached Terminal Disclaimer document is filed to advance prosecution. The filing of the attached Terminal Disclaimer document should not be construed as agreement with the appropriateness of the obviousness-type double patenting rejection. It is recognized that filing the Terminal Disclaimer document will likely not result in a decrease of patent term for a patent issuing from the above-identified patent application.

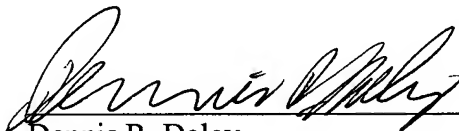
It is believed that this application is in condition for allowance. Early notice to this effect to this effect is earnestly solicited.

Respectfully submitted,

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